

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

APPELLANT:	Gerd Breiter, et al.	)	
		)	Group Art Unit: 3623
		)	
SERIAL NUMBER:	10/562,504	)	Examiner:
		)	Folashade Anderson
FILED:	July 10, 2006	)	
		)	
FOR:	METHOD AND SYSTEM FOR	)	Confirmation No. 8083
	AUTOMATICALLY TRANSFORMING	)	
	A PROVIDER OFFERING INTO A	)	
	CUSTOMER SPECIFIC SERVICE	)	
	ENVIRONMENT DEFINITION	)	
	EXECUTABLE BY RESOURCE	)	
	MANAGEMENT SYTEMS	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

In response to the Examiner's Answer mailed August 4, 2011, the Appellant submits the following reply as follows:

## ARGUMENT

### **Rejection of Claims 1 and 8 under 35 U.S.C. 112, second paragraph**

In the Final Office Action mailed on November 26, 2010, Claims 1 and 8 have been rejected under 35 U.S.C. §112, second paragraph.

With regard to Claims 1 and 8, the Examiner, on page 5 of the Examiner's Answer mailed on August 4, 2011 (hereinafter "the Examiner's Answer"), reiterates the previous grounds of rejection. The Appellant's position regarding the Examiner's 35 U.S.C. §112 rejection is maintained with regard to the arguments presented in the Appeal Brief submitted on June 30, 2011.

In addition, on page 16 of the Examiner's Answer, the Examiner states that "the instant application is devoid of the term 'distinct'...the specification does not provide one of ordinary skill in the art with the means for distinguishing what is 'distinct' from what is not."

The Appellant respectfully disagrees. "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." (Phillips v. AWH Corp., 75 USPQ2d 1321, 1326, (Fed. Cir., 2005).) "If more than one extrinsic definition is consistent with the use of the words in the intrinsic record, the claim terms may be construed to encompass all consistent meanings. (MPEP 2111.1 III) Where a term is not expressly defined in the Specification, the term should be given the broadest reasonable interpretation that the ordinary meaning allows. ("Where no explicit definition for the term 'electronic multi-function card' was given in the specification, this term should be given its ordinary meaning and broadest reasonable interpretation; the term should not be limited to the industry standard definition of credit card where there is no suggestion that this definition applies to the electronic multi-function card as claimed, and should not be limited to preferred embodiments in the specification," E-Pass Technologies, Inc. v. 3Com Corporation, 67 USPQ2d 1947, 1949 (Fed. Cir. 2003)). The term "distinct" is a common term, and, within the context of the claim language as drafted, one of ordinary skill in the art would understand that distinct means separate. Therefore the element

“said provider offering being distinct from a resource catalog” does comply with the written description requirement because one of ordinary skill in the art would understand that the inventors, at the time the Application was filed, had possession of the claimed invention.

Therefore, for at least these reasons, the element “said provider offering being distinct from a resource catalog” clearly complies with the written description requirement. The Appellant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

With regard to Claim 8, on page 16 of the Examiner’s Answer, the Examiner states that “the instant application is devoid of the term ‘distinct’...the specification does not provide one of ordinary skill in the art with the means for distinguishing what is ‘distinct’ from what is not.”

The Appellant respectfully disagrees. “[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.” (Phillips v. AWH Corp., 75 USPQ2d 1321, 1326, (Fed. Cir., 2005).) “If more than one extrinsic definition is consistent with the use of the words in the intrinsic record, the claim terms may be construed to encompass all consistent meanings. (MPEP 2111.1 III) Where a term is not expressly defined in the Specification, the term should be given the broadest reasonable interpretation that the ordinary meaning allows. (“Where no explicit definition for the term ‘electronic multi-function card’ was given in the specification, this term should be given its ordinary meaning and broadest reasonable interpretation; the term should not be limited to the industry standard definition of credit card where there is no suggestion that this definition applies to the electronic multi-function card as claimed, and should not be limited to preferred embodiments in the specification,” E-Pass Technologies, Inc. v. 3Com Corporation, 67 USPQ2d 1947, 1949 (Fed. Cir. 2003)). The term “distinct” is a common term, and, within the context of the claim language as drafted, one of ordinary skill in the art would understand that distinct means separate. Therefore the element “said provider offering being distinct from a resource catalog” does comply with the written description requirement because one of ordinary skill in the art would understand that the inventors, at the time the Application was filed, had possession of the claimed invention.

Therefore, for at least these reasons, the element “said provider offering being distinct from a resource catalog” clearly complies with the written description requirement. The Appellant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

### **Rejection of Claims 1-15 under 35 U.S.C. 103(a)**

Claims 1-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0107761 to Kark, et al. (hereinafter “Kark”) in view of U.S. Publication No. 2002/0059090 to Yanagimachi (hereinafter “Yanagimachi”).

With regard to Claims 1-15, the Examiner, on pages 5-15 of the Examiner’s Answer, reiterates the previous grounds of rejection. The Appellant’s position regarding the Examiner’s 35 U.S.C. §103(a) rejection is maintained with regard to the arguments presented in the Appeal Brief submitted on June 30, 2011.

In addition, with regard to Claim 1, the Examiner states, on page 17 of the Examiner’s Answer, that Kark teaches “said provider offering being distinct from a resource catalog.” Specifically, the Examiner states essentially, that the various filtered views of a catalog, as disclosed in Kark, teaches “said provider offering being distinct from a resource catalog,” as recited *inter alia* in Claim 1. The Appellant respectfully disagrees. Kark discloses a higher layer catalog comprising catalog information. (Kark, Para. [0041]) Kark further discloses that different users of the catalog may be able to view filtered versions of that catalog information. (Kark, Para. [0052].) Therefore, Kark discloses a catalog that includes provider offers, in combination with the ability to provide filtered views of the catalog information. (“Further aspects of the catalog systems and methods of the present invention enable filtering of presentation of a catalog information based upon factors such as the particular portal used to enter the catalog or based upon other criteria of the viewer of the catalog,” Kark, Para.[0052] , emphasis added.) This does not teach or suggest “said provider offering being distinct from a resource catalog,” as recited *inter alia* in Claim 1. Furthermore, the Examiner states that Kark teaches the functionality to “generat[e] and maintain product catalogs...selectively copying portions of the industry catalogs to a plurality of channel partner catalogs.” Kark, however, discloses that a subset of catalog databases may be created from one catalog database in order to provide a subset of the larger database. (“a new channel partner catalog database may be created that selects only particular goods or services from manufacturers and/or selects only particular manufacturers,” Kark, Para.

[0106], emphasis added.) The Examiner states that the way Kark presents the catalog offerings allows for “Each end user’s catalog view [to be] unique or distinct based on their filtering settings.” (the Examiner’s Answer, pg. 17.) Kark therefore, does not teach or suggest “said provider offering being *distinct* from a resource catalog,” but discloses instead that a new *catalog view*, that itself includes product offerings, and can be made from another, larger, product catalog, that itself includes a full set of product offerings. (Kark, Para. [0106].)

In addition, with regard to Claim 1, the Examiner alleges that Kark teaches “using said provider offering by the transformation component as a root node of a customer specific service environment topology tree to be generated.” Specifically, the Examiner states that “the channel partner catalog [of Kark] is interpreted to be the root node, and the particular market catalogs derived are interpreted to be the claimed ‘customer specific service environment topology tree’.” (the Examiner’s Answer, pg. 20.) Kark discloses that custom catalogs may be created by extracting information (i.e. filtering) from a corresponding channel partner storefront catalog. (“a method of the present invention that applies the STOPLIST tables of the database to filter out particular products from the catalog based upon external parameters,” Kark, Paras. [0075], and [0121], emphasis added.) The Examiner points to FIG. 4 of Kark in support of this interpretation. Although FIG. 4 depicts several layers of catalog information, there is nothing in Kark that teaches or suggests that FIG. 4 teaches “a customer specific service environment topology tree to be generated,” as recited *inter alia* in Claim 1. Rather, Kark discloses that FIG. 4 is a representation of the structure of the various catalogs and catalog views. (“FIG. 4 is a block diagram of a hierarchical catalog structure of the present invention reflecting the structure of e-commerce channel marketing,” Kark, Para. [0075], emphasis added.) Kark, in fact, is devoid of teaching or suggesting a tree of any kind. Assuming, *arguendo*, that FIG. 4 does depict “a customer specific service environment topology tree to be generated,” which it does not, and applying the Examiner’s interpretation that FIG. 4 depicts “a tree” FIG. 4 depicts no root node per se, but a plurality of manufacture catalogs feeding an industry master catalog which feeds the rest of the hierarchy. (Kark, FIG. 4.) Therefore, for at least these reasons, Kark does not teach or suggest “using said provider offering by the transformation component as a root node of a customer specific service environment topology tree to be generated,” as recited *inter alia* in Claim 1.

In addition, with regard to Claim 1, the Examiner alleges that Kark teaches “adding identified resource types as nodes in said topology tree which are mapping with said provider offering.” The Examiner alleges that the “LINK table” of Kark “creates linkages and ties among products.” (The Examiner’s Answer, pg. 20.) The Examiner alleges that the linking in Kark teaches “mapping.” (The Examiner’s Answer, pg. 20.) As stated above, Kark is devoid of teaching a “topology tree” or trees of any kind, therefore Kark does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering,” as recited *inter alia* in Claim 1. Furthermore, assuming *arguendo* that Kark does disclose a “topology tree,” which it does not, Kark discloses that the link table links *related products* to one another, and does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering.” (“The LINK table 506 is used to define marketing linkages and ties among products. For example, it may be useful in a marketing catalog to link an electronic toy in the catalog with batteries because users of the catalog who purchase such a toy are likely to purchase the required batteries,” Kark, Para. [0097], emphasis added.) In an alternate interpretation of Claim 1, the Examiner alleges that Kark additionally teaches linking products to catalogs, however, this teaching in Kark does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering,” as recited *inter alia* in Claim 1, but merely discloses linking products to catalogs. (“The PRODUCTID is a unique value used as a key for the table and the CATALOGID links each record to the particular catalog in which it is included,” Kark, Para. [0085], emphasis added.)

In addition, with regard to Claim 1, the Examiner alleges that Kark teaches “adding child nodes to said identified nodes when said identified resource types, which are aggregated resource types, map into a set of lower level resource types which are child resources.” As stated above, Kark does not teach or suggest “adding identified resource types as nodes in said topology tree,” and therefore cannot teach or suggest “adding child nodes to said identified nodes when said identified resource types...map into a set of lower level resource types which are child resources,” as recited *inter alia* in Claim 1. The Examiner alleges that products in the aggregate main catalog are linked to other sub-products and/or sub-components via a LINKFROM field. (Examiner’s Answer, pg. 21.) Assuming, *arguendo*, that the Examiner’s interpretation of Kark is correct, this

linking of products to their sub-products and/or sub-components still does not teach or suggest “adding child nodes to said identified nodes when said identified resource types, which are aggregated resource types, map into a set of lower level resource types which are child resources,” as recited *inter alia* in Claim 1. Kark discloses that this link between products and sub-products and/or components is used to allow “recursive definitions” of products. (“The LINKFROM field in this table indicates another product, if any, from which this record represents a sub-product or sub-component. Such linking of products permits recursive definition of the products to provide a richer definition of products and related sub-products. For example, “TABLE SAW” may be the name of a product and “SAW BLADE” may be the name of a related sub-product,” Kark, Para. [0085], emphasis added.) One of ordinary skill in the art would understand that the LINKFROM field of Kark is used to link together a group of products that roll up to a single parent product and therefore does not teach or suggest “mapping said description of said provider offering with said resource type information ...comprising the steps of: ...adding child nodes to said identified nodes when said identified resource types, which are aggregated resource types, map into a set of lower level resource types which are child resources” as recited *inter alia* in Claim 1. (“The LINKFROM field of a highest level product (one which is not a sub-product of another product) indicates the CATEGORYID value of the category, if any, to which it is linked, or, if not included in a category, the LINKFROM field for such a product indicates a NULL or other invalid value to so indicate a top level product,” Kark, Para. [0085], emphasis added.)

In addition, with regard to Claim 1, the Examiner alleges that Kark teaches “compiling said sequenced management actions into a machine readable form executable by said resource management system.” The Examiner alleges that Kark teaches “the process may also be performed automatically using time event processing and script controls.” The Examiner alleges that, because Kark discloses scripting, and that scripting maybe considered computer executable programming, Kark by extension teaches “compiling said sequenced management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 1. (“scripting is an old and well known synonym for computer executable programming. The scripting of Kakr inherently is contained on a computer readable medium. Therefore the teachings of Kark would have rendered the claimed limitations obvious to one of ordinary skill in

the art at the time the invention was made,” the Examiner’s Answer, pg. 22.) The Examiner additionally appears to interpret the aggregation of catalog data into a single master catalog as “compiling.” The Examiner therefore apparently concludes, that because Kark allegedly teaches that the aggregation of a master catalog can be performed using a script, that Kark must teach or suggest “compiling said sequenced management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 1. The Appellant respectfully disagrees. Kark discloses that manual process may be automated using scripting, however, Kark does not disclose “compiling said sequenced management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 1. Claim 1 recites *inter alia* “providing access to a resource management action catalog containing resource management actions each describing how to manage a single resource type by a resource control system...extracting from said resource management action catalog all resource management actions of said resource types identified in said customer specific service environment resource topology tree; sequencing said extracted resource management actions according to requirements of said defined customer specific service environment; *and* compiling said sequenced management actions into a machine readable form executable by said resource management system.” The scripting of Kark, therefore, does not teach or suggest “compiling said sequenced management actions into a machine readable form executable by said resource management system,” but discloses a way to automate catalog aggregation. (“an integrator or integration means that integrates updated information from a parent catalog into a child catalog...This particular *integration* is performed under the manual control of a user. As noted above, the process may also be performed automatically using timed event processing and scripting controls as well-known in present computing systems,” Kark, Para. [0113], emphasis added.)

Yanagimachi does not correct the deficiencies identified with Kark. Therefore, for at least these reasons, Claim 1 is allowable over Kark in view of Yanagimachi. The Appellant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

Claims 2-7 depend from Claim 1 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

With regard to Claim 7, the Examiner alleges that Kark teaches “said reference information includes a URL pointing to a Web Service with the corresponding Web Service description for execution of said resource management actions.” The Examiner states because Kark discloses an Internet portal, and because Kark discloses that the catalogs are maintained on a standard XML format, that, Kark discloses “said reference information includes a URL pointing to a Web Service with the corresponding Web Service description for execution of said resource management actions,” as recited *inter alia* in Claim 7. The Examiner further states that “By its very definitions an internet portal is equivalent [to] the claimed limitation.” (The Examiner’s Answer, pg. 23.) Kark, however, provides a definition of a portal as a front-end Internet site used to attract customers, which, counter to the Examiner’s allegation, does not teach or suggest “said reference information includes a URL pointing to a Web Service with the corresponding Web Service description for execution of said resource management actions,” as recited *inter alia* in Claim 7. (“As used herein a “portal” is an Internet site designed to attract users based upon particular content available through that site. However in this case, there is no assistance or help for each reseller...his portal model is shown in FIG. 2 wherein a portal site 200 provides a ‘front-end’ interface to present the catalogs,” Kark, Paras. [0019]-[0020], emphasis added.)

The Examiner further states that it is old and very well known that a portal is a website, and that a website is a web service. (“it is old and very well known in the art that a portal is a website (web service) that presents information from diverse sources in a unified manner,” the Examiner’s Answer, pg. 23, emphasis added.) The Examiner, therefore alleges that a portal is a website and that all websites are web services. (the Examiner’s Answer, pg. 23.) Those of ordinary skill in the art would understand that a “web service” is a term of art used to describe very specific XML based service supported by a Web Service Definition Language (WSDL), and not a “website” as alleged by the Examiner. (“For example the resource management actions action may be described by a URL pointing to a web service with the corresponding web service description in form of a WSDL, Specification, Pg. 15, lines 12-15, emphasis added.) Furthermore, assuming, *arguendo*, that the Examiner’s interpretation of a website as a web service is correct, which it is not, Kark discloses that a portal is an Internet website designed to attract users, and that the portals provide a “front-end *interface*” to the catalog data. (“As used herein a “portal” is an Internet site designed to attract users based upon particular content

available through that site. However in this case, there is no assistance or help for each reseller...his portal model is shown in FIG. 2 wherein a portal site 200 provides a 'front-end' interface to present the catalogs,” Kark, Paras. [0019]-[0020], emphasis added.) Kark further discloses that master catalog data is aggregated from several manufacturer catalogs, and that this process is facilitated by using XML. (“Manufacturer catalog information is preferably fed to the master catalog of the present invention in industry-standard XML formats,” Kark, Para. [0038].) Kark, however, is devoid of teaching or suggesting that this XML, which is used in the aggregation process, is also used at the “portal” as alleged by the Examiner, and therefore does not teach or suggest “said reference information includes a URL pointing to a Web Service with the corresponding Web Service description for execution of said resource management actions

Furthermore, Kark is devoid of teaching or suggesting “said reference information includes a URL pointing to a Web Service with the corresponding Web Service description for execution of said resource management actions,” as recited *inter alia* in Claim 7.

Yanagimachi does not correct the deficiencies identified with Kark. Therefore, for at least these reasons, Claim 7 is allowable over Kark in view of Yanagimachi. The Appellant respectfully requests reconsideration and withdrawal of the rejection of Claim 7.

In addition, with regard to Claim 8, the Examiner states, on page 17 of the Examiner’s Answer, that Kark teaches “said provider offering being distinct from a resource catalog.” Specifically, the Examiner states essentially, that the various filtered views of a catalog, as disclosed in Kark, teaches “said provider offering being distinct from a resource catalog,” as recited *inter alia* in Claim 8. The Appellant respectfully disagrees. Kark discloses a higher layer catalog comprising catalog information. (Kark, Para. [0041]) Kark further discloses that different users of the catalog may be able to view filtered versions of that catalog information. (Kark, Para. [0052].) Therefore, Kark discloses a catalog that includes provider offers, in combination with the ability to provide filtered views of the catalog information. (“Further aspects of the catalog systems and methods of the present invention enable filtering of presentation of a catalog information based upon factors such as the particular portal used to enter the catalog or based upon other criteria of the viewer of the catalog,” Kark, Para.[0052] , emphasis added.) This does

not teach or suggest “said provider offering being distinct from a resource catalog,” as recited *inter alia* in Claim 8. Furthermore, the Examiner states that Kark teaches the functionality to “generat[e] and maintain product catalogs...selectively copying portions of the industry catalogs to a plurality of channel partner catalogs.” Kark, however, discloses that a subset of catalog databases may be created from one catalog database in order to provide a subset of the larger database. (“a new channel partner catalog database may be created that selects only particular goods or services from manufacturers and/or selects only particular manufacturers,” Kark, Para. [0106], emphasis added.) The Examiner states that the way Kark presents the catalog offerings allows for “Each end user’s catalog view [to be] unique or distinct based on their filtering settings.” (the Examiner’s Answer, pg. 17.) Kark therefore, does not teach or suggest “said provider offering being *distinct* from a resource catalog,” but discloses instead that a new *catalog view*, that itself includes product offerings, and can be made from another, larger, product catalog, that itself includes a full set of product offerings. (Kark, Para. [0106].)

In addition, with regard to Claim 8, the Examiner alleges that Kark teaches “using said provider offering as root node of a customer specific service environment topology tree to be generated.” Specifically, the Examiner states that “the channel partner catalog [of Kark] is interpreted to be the root node, and the particular market catalogs derived are interpreted to be the claimed ‘customer specific service environment topology tree’.” (the Examiner’s Answer, pg. 20.) Kark discloses that custom catalogs may be created by extracting information (i.e. filtering) from a corresponding channel partner storefront catalog. (“a method of the present invention that applies the STOPLIST tables of the database to filter out particular products from the catalog based upon external parameters,” Kark, Paras. [0075], and [0121], emphasis added.) The Examiner points to FIG. 4 of Kark in support of this interpretation. Although FIG. 4 depicts several layers of catalog information, there is nothing in Kark that teaches or suggests that FIG. 4 teaches “a customer specific service environment topology tree to be generated,” as recited *inter alia* in Claim 8. Rather, Kark discloses that FIG. 4 is a representation of the structure of the various catalogs and catalog views. (“FIG. 4 is a block diagram of a hierarchical catalog structure of the present invention reflecting the structure of e-commerce channel marketing,” Kark, Para. [0075], emphasis added.) Kark, in fact, is devoid of teaching or suggesting a tree of any kind. Assuming, *arguendo*, that FIG. 4 does depict “a customer specific service environment topology

tree to be generated,” which it does not, and applying the Examiner’s interpretation that FIG. 4 depicts “a tree” FIG. 4 depicts no root node per se, but a plurality of manufacture catalogs feeding an industry master catalog which feeds the rest of the hierarchy. (Kark, FIG. 4.) Therefore, for at least these reasons, Kark does not teach or suggest “using said provider offering as root node of a customer specific service environment topology tree to be generated,” as recited *inter alia* in Claim 8.

In addition, with regard to Claim 8, the Examiner alleges that Kark teaches “adding identified resource types as nodes in said topology tree which are mapping with said provider offering.” The Examiner alleges that the “LINK table” of Kark “creates linkages and ties among products.” (The Examiner’s Answer, pg. 20.) The Examiner alleges that the linking in Kark teaches “mapping.” (The Examiner’s Answer, pg. 20.) As stated above, Kark is devoid of teaching a “topology tree” or trees of any kind, therefore Kark does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering,” as recited *inter alia* in Claim 8. Furthermore, assuming *arguendo* that Kark does disclose a “topology tree,” which it does not, Kark discloses that the link table links *related products* to one another, and does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering.” (“The LINK table 506 is used to define marketing linkages and ties among products. For example, it may be useful in a marketing catalog to link an electronic toy in the catalog with batteries because users of the catalog who purchase such a toy are likely to purchase the required batteries,” Kark, Para. [0097], emphasis added.) In an alternate interpretation of Claim 8, the Examiner alleges that Kark additionally teaches linking products to catalogs, however, this teaching in Kark does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering,” as recited *inter alia* in Claim 8, but merely discloses linking products to catalogs. (“The PRODUCTID is a unique value used as a key for the table and the CATALOGID links each record to the particular catalog in which it is included,” Kark, Para. [0085], emphasis added.)

In addition, with regard to Claim 8, the Examiner alleges that Kark teaches “adding child nodes to said identified nodes when said identified resource types which are aggregated resource

types, map into a set of lower level resource types which are child resources.” As stated above, Kark does not teach or suggest “adding identified resource types as nodes in said topology tree,” and therefore cannot teach or suggest “adding child nodes to said identified nodes when said identified resource types...map into a set of lower level resource types which are child resources,” as recited *inter alia* in Claim 8. The Examiner alleges that products in the aggregate main catalog are linked to other sub-products and/or sub-components via a LINKFROM field. (Examiner’s Answer, pg. 21.) Assuming, *arguendo*, that the Examiner’s interpretation of Kark is correct, this linking of products to their sub-products and/or sub-components still does not teach or suggest “adding child nodes to said identified nodes when said identified resource types which are aggregated resource types, map into a set of lower level resource types which are child resources,” as recited *inter alia* in Claim 8. Kark discloses that this link between products and sub-products and/or components is used to allow “recursive definitions” of products. (“The LINKFROM field in this table indicates another product, if any, from which this record represents a sub-product or sub-component. Such linking of products permits recursive definition of the products to provide a richer definition of products and related sub-products. For example, “TABLE SAW” may be the name of a product and “SAW BLADE” may be the name of a related sub-product.” Kark, Para. [0085], emphasis added.) One of ordinary skill in the art would understand that the LINKFROM field of Kark is used to link together a group of products that roll up to a single parent product and therefore does not teach or suggest “mapping said description of said provider offering with said resource type information ...comprising the steps of: ...adding child nodes to said identified nodes when said identified resource types, which are aggregated resource types, map into a set of lower level resource types which are child resources” as recited *inter alia* in Claim 8. (“The LINKFROM field of a highest level product (one which is not a sub-product of another product) indicates the CATEGORYID value of the category, if any, to which it is linked, or, if not included in a category, the LINKFROM field for such a product indicates a NULL or other invalid value to so indicate a top level product,” Kark, Para. [0085], emphasis added.)

In addition, with regard to Claim 8, the Examiner alleges that Kark teaches “compiling said sequenced resource management actions into a machine readable form executable by said resource management system.” The Examiner alleges that Kark teaches “the process may also be

performed automatically using time event processing and script controls.” The Examiner alleges that, because Kark discloses scripting, and that scripting maybe considered computer executable programming, Kark by extension teaches “compiling said sequenced resource management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 8. (“scripting is an old and well known synonym for computer executable programming. The scripting of Kark inherently is contained on a computer readable medium. Therefore the teachings of Kark would have rendered the claimed limitations obvious to one of ordinary skill in the art at the time the invention was made,” the Examiner’s Answer, pg. 22.) The Examiner additionally appears to interpret the aggregation of catalog data into a single master catalog as “compiling.” The Examiner therefore apparently concludes, that because Kark allegedly teaches that the aggregation of a master catalog can be performed using a script, that Kark must teach or suggest “compiling said sequenced resource management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 8. The Appellant respectfully disagrees. Kark discloses that manual process may be automated using scripting, however, Kark does not disclose “compiling said sequenced resource management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 8. Claim 8 recites *inter alia* “providing access to a resource management action catalog containing resource management actions each describing how to manage a single resource type by a resource control system...extracting from said resource management action catalog all resource management actions of said resource types identified in said customer specific service environment resource topology tree; sequencing said extracted resource management actions according to requirements of said defined customer specific service environment; and compiling said sequenced resource management actions into a machine readable form executable by said resource management system.” The scripting of Kark, therefore, does not teach or suggest “compiling said sequenced management actions into a machine readable form executable by said resource management system,” but discloses a way to automate catalog aggregation. (“an integrator or integration means that integrates updated information from a parent catalog into a child catalog...This particular *integration* is performed under the manual control of a user. As noted above, the process may also be performed automatically using timed event processing and scripting controls as well-known in present

computing systems,” Kark, Para. [0113], emphasis added.)

Yanagimachi does not correct the deficiencies identified with Kark. Therefore, for at least these reasons, Claim 8 is allowable over Kark in view of Yanagimachi. The Appellant respectfully requests reconsideration and withdrawal of the rejection of Claim 8.

Claims 9-14 depend from Claim 8 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

In addition, with regard to Claim 15, the Examiner states, on page 17 of the Examiner’s Answer, that Kark teaches “said provider offering being distinct from a resource catalog.” Specifically, the Examiner states essentially, that the various filtered views of a catalog, as disclosed in Kark, teaches “said provider offering being distinct from a resource catalog,” as recited *inter alia* in Claim 15. The Appellant respectfully disagrees. Kark discloses a higher layer catalog comprising catalog information. (Kark, Para. [0041]) Kark further discloses that different users of the catalog may be able to view filtered versions of that catalog information. (Kark, Para. [0052].) Therefore, Kark discloses a catalog that includes provider offers, in combination with the ability to provide filtered views of the catalog information. (“Further aspects of the catalog systems and methods of the present invention enable filtering of presentation of a catalog information based upon factors such as the particular portal used to enter the catalog or based upon other criteria of the viewer of the catalog,” Kark, Para.[0052] , emphasis added.) This does not teach or suggest “said provider offering being distinct from a resource catalog,” as recited *inter alia* in Claim 15. Furthermore, the Examiner states that Kark teaches the functionality to “generat[e] and maintain product catalogs...selectively copying portions of the industry catalogs to a plurality of channel partner catalogs.” Kark, however, discloses that a subset of catalog databases may be created from one catalog database in order to provide a subset of the larger database. (“a new channel partner catalog database may be created that selects only particular goods or services from manufacturers and/or selects only particular manufacturers,” Kark, Para. [0106], emphasis added.) The Examiner states that the way Kark presents the catalog offerings allows for “Each end user’s catalog view [to be] unique or distinct based on their filtering settings.” (the Examiner’s Answer, pg. 17.) Kark therefore, does not teach or suggest “said

provider offering being *distinct* from a resource catalog,” but discloses instead that a new *catalog view*, that itself includes product offerings, and can be made from another, larger, product catalog, that itself includes a full set of product offerings. (Kark, Para. [0106].)

In addition, with regard to Claim 15, the Examiner alleges that Kark teaches “using said provider offering by the transformation component as a root node of a customer specific service environment topology tree to be generated.” Specifically, the Examiner states that “the channel partner catalog [of Kark] is interpreted to be the root node, and the particular market catalogs derived are interpreted to be the claimed ‘customer specific service environment topology tree’.” (the Examiner’s Answer, pg. 20.) Kark discloses that custom catalogs may be created by extracting information (i.e. filtering) from a corresponding channel partner storefront catalog. (“a method of the present invention that applies the STOPLIST tables of the database to filter out particular products from the catalog based upon external parameters,” Kark, Paras. [0075], and [0121], emphasis added.) The Examiner points to FIG. 4 of Kark in support of this interpretation. Although FIG. 4 depicts several layers of catalog information, there is nothing in Kark that teaches or suggests that FIG. 4 teaches “a customer specific service environment topology tree to be generated,” as recited *inter alia* in Claim 15. Rather, Kark discloses that FIG. 4 is a representation of the structure of the various catalogs and catalog views. (“FIG. 4 is a block diagram of a hierarchical catalog structure of the present invention reflecting the structure of e-commerce channel marketing,” Kark, Para. [0075], emphasis added.) Kark, in fact, is devoid of teaching or suggesting a tree of any kind. Assuming, *arguendo*, that FIG. 4 does depict “a customer specific service environment topology tree to be generated,” which it does not, and applying the Examiner’s interpretation that FIG. 4 depicts “a tree” FIG. 4 depicts no root node per se, but a plurality of manufacture catalogs feeding an industry master catalog which feeds the rest of the hierarchy. (Kark, FIG. 4.) Therefore, for at least these reasons, Kark does not teach or suggest “using said provider offering by the transformation component as a root node of a customer specific service environment topology tree to be generated,” as recited *inter alia* in Claim 15.

In addition, with regard to Claim 15, the Examiner alleges that Kark teaches “adding identified resource types as nodes in said topology tree which are mapping with said provider

offering.” The Examiner alleges that the “LINK table” of Kark “creates linkages and ties among products.” (The Examiner’s Answer, pg. 20.) The Examiner alleges that the linking in Kark teaches “mapping.” (The Examiner’s Answer, pg. 20.) As stated above, Kark is devoid of teaching a “topology tree” or trees of any kind, therefore Kark does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering,” as recited *inter alia* in Claim 15. Furthermore, assuming *arguendo* that Kark does disclose a “topology tree,” which it does not, Kark discloses that the link table links *related products* to one another, and does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering.” (“The LINK table 506 is used to define marketing linkages and ties among products. For example, it may be useful in a marketing catalog to link an electronic toy in the catalog with batteries because users of the catalog who purchase such a toy are likely to purchase the required batteries,” Kark, Para. [0097], emphasis added.) In an alternate interpretation of Claim 15, the Examiner alleges that Kark additionally teaches linking products to catalogs, however, this teaching in Kark does not teach or suggest “adding identified resource types as nodes in said topology tree which are mapping with said provider offering,” as recited *inter alia* in Claim 15, but merely discloses linking products to catalogs. (“The PRODUCTID is a unique value used as a key for the table and the CATALOGID links each record to the particular catalog in which it is included,” Kark, Para. [0085], emphasis added.)

In addition, with regard to Claim 15, the Examiner alleges that Kark teaches “adding child nodes to said identified nodes when said identified resource types, which are aggregated resource types, map into a set of lower level resource types which are child resources.” As stated above, Kark does not teach or suggest “adding identified resource types as nodes in said topology tree,” and therefore cannot teach or suggest “adding child nodes to said identified nodes when said identified resource types...map into a set of lower level resource types which are child resources,” as recited *inter alia* in Claim 15. The Examiner alleges that products in the aggregate main catalog are linked to other sub-products and/or sub-components via a LINKFROM field. (Examiner’s Answer, pg. 21.) Assuming, *arguendo*, that the Examiner’s interpretation of Kark is correct, this linking of products to their sub-products and/or sub-components still does not teach or suggest “adding child nodes to said identified nodes when said identified resource types, which

are aggregated resource types, map into a set of lower level resource types which are child resources,” as recited *inter alia* in Claim 1. Kark discloses that this link between products and sub-products and/or components is used to allow “recursive definitions” of products. (“The LINKFROM field in this table indicates another product, if any, from which this record represents a sub-product or sub-component. Such linking of products permits recursive definition of the products to provide a richer definition of products and related sub-products. For example, “TABLE SAW” may be the name of a product and “SAW BLADE” may be the name of a related sub-product,” Kark, Para. [0085], emphasis added.) One of ordinary skill in the art would understand that the LINKFROM field of Kark is used to link together a group of products that roll up to a single parent product and therefore does not teach or suggest “mapping said description of said provider offering with said resource type information ...comprising the steps of: ...adding child nodes to said identified nodes when said identified resource types, which are aggregated resource types, map into a set of lower level resource types which are child resources” as recited *inter alia* in Claim 15. (“The LINKFROM field of a highest level product (one which is not a sub-product of another product) indicates the CATEGORYID value of the category, if any, to which it is linked, or, if not included in a category, the LINKFROM field for such a product indicates a NULL or other invalid value to so indicate a top level product,” Kark, Para. [0085], emphasis added.)

In addition, with regard to Claim 15, the Examiner alleges that Kark teaches “compiling said sequenced management actions into a machine readable form executable by said resource management system.” The Examiner alleges that Kark teaches “the process may also be performed automatically using time event processing and script controls.” The Examiner alleges that, because Kark discloses scripting, and that scripting maybe considered computer executable programming, Kark by extension teaches “compiling said sequenced management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 15. (“scripting is an old and well known synonym for computer executable programming. The scripting of Kark inherently is contained on a computer readable medium. Therefore the teachings of Kark would have rendered the claimed limitations obvious to one of ordinary skill in the art at the time the invention was made,” the Examiner’s Answer, pg. 22.) The Examiner additionally appears to interpret the aggregation of catalog data into a single master catalog as

“compiling.” The Examiner therefore apparently concludes, that because Kark allegedly teaches that the aggregation of a master catalog can be performed using a script, that Kark must teach or suggest “compiling said sequenced management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 15. The Appellant respectfully disagrees. Kark discloses that manual process may be automated using scripting, however, Kark does not disclose “compiling said sequenced management actions into a machine readable form executable by said resource management system,” as recited *inter alia* in Claim 15. Claim 15 recites *inter alia* “providing access to a resource management action catalog containing resource management actions each describing how to manage a single resource type by a resource control system...extracting from said resource management action catalog all resource management actions of said resource types identified in said customer specific service environment resource topology tree; sequencing said extracted resource management actions according to requirements of said defined customer specific service environment; *and* compiling said sequenced management actions into a *machine readable form executable by said resource management system.*” The scripting of Kark, therefore, does not teach or suggest “compiling said sequenced management actions into a machine readable form executable by said resource management system,” but discloses a way to automate catalog aggregation. (“an integrator or integration means that integrates updated information from a parent catalog into a child catalog...This particular *integration* is performed under the manual control of a user. As noted above, the process may also be performed automatically using timed event processing and scripting controls as well-known in present computing systems,” Kark, Para. [0113], emphasis added.)

Yanagimachi does not correct the deficiencies identified with Kark. Therefore, for at least these reasons, Claim 15 is allowable over Kark in view of Yanagimachi. The Appellant respectfully requests reconsideration and withdrawal of the rejection of Claim 15.

## CONCLUSION

In view of the foregoing, it is urged that the rejection of claims 1-15 be overturned. The rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(2) is enclosed herewith. If there are any additional charges with respect to this Reply Brief, or otherwise, please charge them to Deposit Account No. 09-0463.

Respectfully Submitted,

CANTOR COLBURN LLP

By /Nelson S. DaCunha/

Nelson S. DaCunha

Registration No. 63,592

20 Church Street, 22<sup>nd</sup> Floor

Hartford, CT 06103-3207

Telephone: (860) 286-2929

Facsimile: (860) 286-0115

Customer No. 46429

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